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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Hiroshi Sato**

Group Art Unit: 2837

Serial No.: 10/578,871

Examiner: **Christopher Ublir**

Filed: **May 11, 2006**

P.T.O. Confirmation No.: 3219

Docket: 060347

Date: **September 9, 2008**

**For: RESONANCE GENERATION DEVICE OF ELECTRONIC MUSICAL INSTRUMENT,
RESONANCE GENERATION METHOD OF ELECTRONIC MUSICAL INSTRUMENT,
COMPUTER PROGRAM, AND COMPUTER READABLE RECORDING MEDIUM**

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the final Office Action dated June 16, 2008. No fee is due. However, in the event that this paper is not timely filed, please consider this paper a petition for an appropriate extension of time. Please charge any fees needed to enter this paper to **Deposit Account No. 01-2340**.

The rejection of claims under 35 U.S.C. §102(b) over Kosecki et al, US 5,804,751, is maintained without change from the Office Action of December 10, 2007. The Applicant respectfully maintains traversal and solicits reconsideration as follows:

(1) The Applicant argued that Kosecki discloses resonance from *all* other strings(as when the damper pedal is depressed), and does not disclose resonance only from *played* other strings (as when a chord is played).

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The Examiner responded (page 4 7th line from the bottom), "Kosecki discloses ... 'a sound generated by related strings or the like resonating with the vibrations of the set of strings or the like' (column 5 lines 12-14) A set of strings or the like is implied as being a limited number of strings or the like that generate a sound, as in a chord." It is understood that the Examiner is taking "related strings or the like" to cover a chord that is being held down by a player when striking a note.

The reference's text on which the Examiner relies reads, in full, "'fundamental tone' means a sound generated by striking a set of strings or the like, and term 'resonant sound' means a sound generated by related strings or the like resonating with the vibrations of the set of strings or the like." Here, Kosecki specifically states that the "fundamental" sound results from *struck* strings; therefore, the "resonant" sound can only come from *non-struck* strings, which are not elements of the "set of strings."

When the Examiner states that "A set of strings or the like is implied as being a limited number of strings," he gives the appearance of possibly confusing Kosecki's "set of strings" (struck strings) with Kosecki's "related strings" (non-struck strings).

If, on the other hand, the Examiner acknowledges lack of anticipation but asserts implication, then the Applicant does not agree—a limited set of strings is *not* implied by all of the strings; there are many thousands of subsets of the strings, and one particular subset is not implied in any way. However, any such implication is immaterial, because the rejection is made under §102 and only anticipation is at issue. An implication would only be relevant only to a rejection under §103, and there is none.

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(2) The Examiner also states at page 5, line 2, "Since a user depresses a specific set of keys to generate sound from said specific set of strings or the like, the resonant sound that is produced would be selective of the specific set of depressed keys." That is, when striking a chord, all of the strings of the chord will resonate with each other. With respect, this statement fails to take into consideration the feature of claim 1 that the key in the specific relation is "*already* depressed" when the played key is struck.

(3) Kosecki discloses steps of (a) depressing a key, (b) stepping on the damper pedal, and (c) generating a musical sound having the envelope corresponding to the key being depressed, with all strings resonating.

On the other hand, according to the Applicant's claim 1, there are steps of (a) depressing a first key (depressed key), (b) depressing a second key having a specific relation to the depressed key (played key), and (c) generating a musical sound corresponding to the relationship between the depressed key and the played key, as long as the first and second keys are held down.

The only step in common is step (a), depressing the key. The others are different.

(4) For the Examiner's convenience, a specific example is described:

According to Kosecki at col. 6, lines 26-34, resonance is generated while "the damper pedal was fully depressed" (all strings free to resonate), the played key sound is subtracted, and the result is stored. Thus, when the C4 key is played, resonant strings include C5, G5, C6, ... *All* of these strings will resonate and therefore all will be in the sound recorded by Kosecki.

According to the Applicant, if C4 is played but G5 is not already depressed, then the resulting sound will not contain the components added by the G5 string. *The sound will not be the same as Kosecki's sound.*

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(5) According to Kosecki, when a damper pedal is depressed at the same time as a key, the resulting musical sound depends on the *amount* of damper pedal depression (see Figs. 3A and 3B of Kosecki).

On the other hand, according to the Applicant's claim 1, when the key in specific relation to the played key is already depressed, resonant sound is based on the relation between the played key and the depressed key. The keys, unlike the damper pedal, usually do not have partial engagement.

In summary, the rejection does not consider the relationship between Applicant's played key and depressed key. Kosecki does not disclose this relationship, or generate any sounds based on this relationship.

In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action, at an early date, is requested.

Respectfully submitted,

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